

Exhibit 8

In The Matter Of:
Olson v.
Johnson & Johnson (c)

February 15, 2019

NY County Supreme Court

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<p>1 SUPREME COURT OF THE STATE OF NEW YORK 2 COUNTY OF NEW YORK: CIVIL TERM: PART 7 3 ----- X 4 DONNA A. OLSON and ROBERT M. OLSON, : INDEX NUMBER: 5 Plaintiff(s), : 190328/2017 6 - against - : JURY TRIAL 7 BRENNTAG NORTH AMERICA, INC.; BRENNTAG 8 SPECIALTIES, INC., : 9 Individually, and f/k/a Mineral 10 Pigment Solutions, Inc., as 11 successor-in-interest to Whittaker, 12 Clark & Daniels, Inc., : 13 CYPRUS AMAX MINERALS COMPANY, 14 Individually and as : 15 successor-in-interest to American 16 Talc Company, Metropolitan Talc 17 Company, Inc., Charles Mathieu, 18 Inc., and Resource Processors, Inc.; : 19 Defendant(s). : 20 ----- X 21 Supreme Court New York 22 60 Centre Street 23 New York, New York 10007 24 February 15, 2019 25 B E F O R E : 26 HONORABLE GERALD LEBOVITZ, 27 Justice of the Supreme Court 28 (And a Jury)</p>	<p>1 (Whereupon, Plaintiffs' Exhibits 23, 25, 26, 27, 2 27A, 28, 29, 30, 31, 32, and 33 were received in evidence.) 3 THE COURT: Good morning, everyone. How are you? 4 MR. BLOCK: Good morning, your Honor. 5 MR. HARTLEY: Good morning, your Honor. 6 MR. BROCK: Good morning, your Honor. 7 THE COURT: Anything before we begin with the 8 witness? 9 MR. BLOCK: Yes, your Honor. There is some 10 documents that we wanted to use with Dr. Webber that there 11 is objections to and I would like to take those up outside 12 the presence of the jury so we can do it more efficiently 13 once we begin. 14 THE COURT: Thank you. 15 MR. BLOCK: Your Honor, you still have the 16 notebooks with tabs that were distributed yesterday? 17 THE COURT: Yes. 18 MR. BLOCK: The first one is Exhibit 12. 19 THE COURT: Okay. 20 MR. BLOCK: And your Honor, Exhibit 12 is the 21 article by Dr. Alice Blount from 1991. And the article 22 produced by Johnson & Johnson has an additional page on it. 23 And the additional page identifies Sample I as Windsor, 24 J & J, JBP. So this is relevant evidence of Windsor, 25 Johnson & Johnson, Johnson's baby powder containing</p>
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<p>1 A P P E A R A N C E S : 2 For the Plaintiff(s): 3 LEVY KONIGSBERG, LLP 4 800 Third Avenue 5 New York, New York 10022 6 BY: JEROME H. BLOCK, ESQ. 7 ROBERT KOMITOR, ESQ. 8 -and- 9 MAUNE RAICHLÉ HARTLEY FRENCH & MUDD, LLC 10 150 West 30th Street 11 New York, New York 10001 12 BY: SUZANNE M. RATCLIFFE, ESQ. 13 CHRISTIAN HARTLEY, ESQ. 14 For the Defendant(s): 15 JOHNSON & JOHNSON 16 PATTERSON BELKNAP WEBB & TYLER, LLP 17 1133 Avenue of the Americas 18 New York, New York 10036 19 BY: THOMAS P. KURLAND, ESQ. 20 LOUIS M. RUSSO, ESQ. 21 -and- 22 KIRKLAND & ELLIS, LLP 23 300 North LaSalle Street 24 Chicago, Illinois 60654 25 BY: MIKE BROCK, ESQ. STACEY GARBIS PAGONIS, ESQ. BARRY FIELDS, ESQ. ALLISON RAY, ESQ. LA TONIA LEWIS, RPR, CRR VINCENT PALOMBO, RMR, CRR SENIOR COURT REPORTERS</p>	<p>1 asbestos. 2 And your Honor, this is a document. We're 3 admitting a number of documents without objection this 4 morning that bear the Johnson & Johnson's bates stamp. With 5 respect to this particular document, I want to put in a 6 stipulation that was made in another case or another series 7 of cases to your attention. The deposition of Johnson & 8 Johnson's corporate representative was taken on August 17, 9 2017. And at that time, page 1041 of that deposition which 10 went on for I think at least four or five days, there was a 11 stipulation between counsel and Johnson & Johnson and the 12 plaintiffs' lawyer that rather than have him go through each 13 and every document and establish the business records 14 hearsay exception that there was an agreement. 15 And the agreement was that Johnson & Johnson is 16 agreeing to -- 17 That the exhibits from the deposition that bear 18 the Johnson & Johnson bates number on them meet the business 19 records exception for hearsay. And the attorney for Johnson 20 & Johnson agreed that is correct. I have the excerpt of 21 that deposition showing that stipulation. So we went back 22 through that deposition. 23 And I'd shown Johnson & Johnson this. And we 24 found that this exact document, Exhibit 12 that we are 25 seeking to admit into evidence right now was Exhibit 87 to</p>

<p style="text-align: right;">Page 806</p> <p>1 the Lanzo case. And we move those photographs that go along 2 with the report into evidence also based upon the ancient 3 document rule and for the rule of completeness that was part 4 of the same report that was just submitted. 5 MR. KURLAND: Your Honor, we take an exception to 6 the admission of the report, but if the Court's ruling is -- 7 if the Court has admitted that, the photographs go with the 8 report. But please note our exception of the record. Thank 9 you. 10 THE COURT: Thank you, counsel. 11 MR. BLOCK: If I can just have one or two minutes 12 just to get organized. There are other documents that need 13 to be ruled on, but I think we have enough here to proceed 14 with the witness. 15 (Whereupon, Senior Court Reporter LaTonia Lewis 16 was relieved by Senior Court Reporter Vincent Palombo who 17 transcribed the proceedings as follows:) 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 808</p> <p>Dr. Webber - Direct/Mr. Block</p> <p>1 exception of Exhibit 12 which we agreed would not be 2 admitted at this time but would be discussed with the 3 witness. 4 THE COURT: I thought it would be admitted for the 5 purpose you wanted it for and not anything else just yet. 6 MR. BROCK: When we get to it, I'll see how it is 7 used and I will raise an objection, if I have one. 8 THE COURT: Very well. Thank you so much. 9 MR. BLOCK: Your Honor, we do move Exhibit 12 in 10 evidence. 11 THE COURT: Yes. 12 MR. BLOCK: Is it admitted? 13 THE COURT: Yes, so far only for the purpose 14 advanced by defendants. 15 MR. BLOCK: Okay. Thank you, your Honor. 16 Thank you, ladies and gentlemen. 17 DIRECT EXAMINATION (Continuing) 18 BY MR. BLOCK: 19 Q So Dr. Webber, just to kind of recap, we were talking 20 about the transition electron microscope. 21 Can you just give us an idea of when we look at that 22 smaller microscope, the PLM, the light microscope, right? 23 A Well, it depends on whether you're talking about air 24 samples or not. The PLM was for bulk samples, the PCM was for 25 air samples.</p>
<p style="text-align: right;">Page 807</p> <p>Plaintiff - Direct/Dr. Webber</p> <p>1 (Plaintiffs' Exhibits 21, 22, 36, 37, 40, 42, 43, 2 45, 46, 47, 48, 49, 52, 55, 57, 59, 60, 61, 62, 63, 64, 69 3 and 12, were so marked in evidence.) 4 MR. BLOCK: Your Honor, can Dr. Webber take the 5 stand? 6 THE COURT: Yes. 7 (JAMES S. WEBBER, PhD, resumed the witness stand.) 8 COURT OFFICER: All rise, jury entering. 9 (The jury enters the courtroom.) 10 THE COURT: Thank you, everyone. Please be seated. 11 You may continue. 12 MR. BLOCK: Good morning, everybody. 13 JURORS: Good morning. 14 MR. BLOCK: We're sorry about the delay. We have 15 been busy admitting documents into evidence and I'd like to 16 read for the record just the numbers of documents that have 17 been admitted into evidence this morning. 18 Plaintiffs' Exhibits 12, 13, 21, 22, 23, 25, 26, 19 27, 27 A, 28, 29, 30, 31, 32, 33, 34, 36, 37, 40, 42, 45, 20 46, 47, 48, 49 -- 50, 52, 55, 57, 60, 61, 62, 63 and 69, and 21 I'll hand those to the court officer at this time. 22 And I'll just note that I didn't see Exhibit 50 in 23 the pile, but we will make sure it is placed in there. 24 MR. BROCK: Your Honor, Johnson & Johnson has no 25 objection to the exhibits cited by plaintiff with the</p>	<p style="text-align: right;">Page 809</p> <p>Dr. Webber - Direct/Mr. Block</p> <p>1 Q PLM, looking at material under that smaller microscope, 2 is that called a PLM? 3 A Polarizing light microscope for bulk sample analysis, 4 yes. 5 Q That's the smaller one you showed the jury? 6 A Yes. 7 Q And so if we look at the PLM, versus the TEM, what is 8 the kind of difference in terms of magnification? How much more 9 powerful is a TEM compared to the PLM? 10 A Since the PLM is used mostly at 100 magnifications, and 11 TEM is operated at 15,000 magnifications, I believe that would 12 be a difference of about 150, if you divide 15,000 by 100. 13 Q Is it fair to say 150 times more sensitive in its 14 ability to see particles? 15 A Yes. 16 Q Let me ask you, have you looked at asbestos over the 17 years under the transition electron microscope? 18 A Yes. 19 Q Have you looked at many different materials to 20 determine if there was asbestos using the transition electron 21 microscope? 22 A I've looked at a variety of materials. 23 Q Have you looked at air samples from New York City to 24 determine if there's asbestos using the transition electron 25 microscope?</p>